

# EXHIBIT M



**U.S. Department of Justice**

Criminal Division

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*Fraud Section*

May 18, 2023

**Via FedEx Delivery & Email**

Re: **United States v. Constantinescu et al, No. 4:22-CR-00612**

Dear Counsel:

Enclosed please find a hard drive containing discovery relating to the above-captioned matter. This is the 11<sup>th</sup> production of discovery. The government anticipates producing additional discovery on a rolling basis. For security purposes, the password will be provided via e-mail. An index of the materials provided is enclosed.

The hard drive contains 2 zip files, labeled "Production 11 part 1" and "Production 11 part 2", and covers the following Bates ranges:

DOJ-PROD-0000340490 - DOJ-PROD-0000340854  
DOJ-TWITTER-0000000002 - DOJ-TWITTER-0000000002  
DOJ-DISCORD-0000000002 - DOJ-DISCORD-0000000002

Enclosed in this production are processed trade data for various tickers recently received from FINRA, open-source multimedia files relating to the defendants, and other information in the FBI case file.

Please note that we are also producing additional materials that Discord and Twitter provided to us as part of our search warrants. On May 4, 2023, counsel for Defendant Hennessey requested social-media messages of Defendant Hennessey beyond what we seized as part of our search warrant, maintained in our case file, and produced earlier this year. We are therefore providing to you in this production additional material, to include:

- Discord
  - The original data from the Discord search warrant for the Atlas Trading and Sapphire Trading servers, as well as the original data for the account of each Defendant.
  - The channels from the Atlas Trading and Sapphire Trading servers that we did not seize as part of the Discord search warrant and that were highlighted in green as explained in our January 19, 2023 production, *see* Attachment A. Please note

that we have also processed these materials in an excel file that is fully searchable and sortable.

- All direct messages (not channels) from the Discord account of each Defendant, regardless of whether the message hit on a search term and was seized and maintained as part of our case file. Please note that we have also processed these materials in an excel file that is fully searchable and sortable.
- Twitter
  - The original data from the Twitter search warrant;
  - All direct and group messages from the individual Twitter account of each Defendant, regardless of whether the message hit on a search term and was seized and maintained as part of our case file, as previously disclosed and produced to you. Please note that we have also processed these materials in an excel file that is fully searchable and sortable.
  - Please note that we previously produced each Defendant's twitter posts in their entirety.

Please note that the above-referenced Discord and Twitter materials are being produced solely at the request of counsel for Defendant Hennessey and in an abundance of caution. We do not believe that this information is relevant and material to the defense; the material is also beyond the scope of what we seized as part of the search warrant and maintained in our case file. We have no intention to use in our case in chief any materials from Discord or Twitter that was not previously produced to you.

In this production, the government may have provided, as a courtesy, material which is not discoverable under Rule 16, *Jencks*, *Giglio*, or *Brady*. The fact that certain non-discoverable materials are provided in no way obligates the government to provide all non-discoverable materials, and the fact that certain non-discoverable materials are provided should not be taken as a representation as to the existence or non-existence of any other non-discoverable materials.

By opening this production, you agree that the produced materials are sensitive and confidential, should be used only for purposes of the above-captioned case, and shall not be publicly disclosed unless in a way authorized by the court.

If you have any questions or concerns, please contact me at (202) 355-5704 or [Scott.Armstrong@usdoj.gov](mailto:Scott.Armstrong@usdoj.gov).

Sincerely

/s/ Scott Armstrong

Scott Armstrong, Assistant Chief  
John Liolos, Trial Attorney